

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 7:24-cv-00033-DC-DTG

**DECLARATION OF DEEPA ACHARYA IN SUPPORT OF DEFENDANT GOOGLE
LLC'S REPLY IN SUPPORT OF MOTION TO TRANSFER VENUE TO THE
NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

I, Deepa Acharya, declare and state as follows:

1. I am a partner at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP. I am counsel for Defendant Google LLC (“Google”) in this action. I make this declaration based on my personal knowledge and investigation of the facts described herein. If called as a witness, I could and would testify competently to the information contained herein.
2. Attached hereto as **Exhibit 1** is a true and correct highlighted copy of excerpts from the September 20, 2024 deposition of Prathima Devarasetty.
3. Attached hereto as **Exhibit 2** is a true and correct copy of a document produced by Google in this action and bearing Bates number GOOG-VIRTA-00000025.
4. Attached hereto as **Exhibit 3** is a true and correct copy of a document produced by Google in this action and bearing Bates number GOOG-VIRTA-00000007.
5. Attached hereto as **Exhibit 4** is a true and correct copy of search results from Google Flights for flights from Newark Liberty International Airport (EWR) to San Francisco International Airport (SFO), where the fastest flight identified had a posted travel time of 6 hours, 15 minutes (last accessed October 16, 2024).
6. Attached hereto as **Exhibit 5** is a true and correct copy of search results from Google Flights for flights from Newark Liberty International Airport (EWR) to Midland, Texas (MAF), where the fastest flight identified had a posted travel time of 6 hours, 13 minutes (last accessed October 16, 2024).
7. Attached hereto as **Exhibit 6** is a true and correct copy of search results from Google Flights for flights from Pittsburgh International Airport (PIT) to San Francisco International Airport (SFO), where the fastest flight identified had a posted travel time of 5 hours, 51 minutes (last accessed October 16, 2024).

8. Attached hereto as **Exhibit 7** is a true and correct copy of search results from Google Flights for flights from Pittsburgh International Airport (PIT) to Midland, Texas (MAF), where the fastest flight identified had a posted travel time of 5 hours, 46 minutes (last accessed October 16, 2024).

9. Attached hereto as **Exhibit 8** is a true and correct copy of search results from Google Flights for flights from Hartsfield-Jackson Atlanta International Airport (ATL) to San Francisco International Airport (SFO), where the fastest flight identified had a posted travel time of 5 hours, 28 minutes (last accessed October 16, 2024).

10. Attached hereto as **Exhibit 9** is a true and correct copy of search results from Google Flights for flights from Hartsfield-Jackson Atlanta International Airport (ATL) to Midland, Texas (MAF), where the fastest flight identified had a posted travel time of 4 hours, 25 minutes (last accessed October 16, 2024).

11. Attached hereto as **Exhibit 10** is a true and correct copy of search results from Google Flights for flights from Charlotte Douglas International Airport (CLT) to San Francisco International Airport (SFO), where the fastest flight identified had a posted travel time of 5 hours, 51 minutes (last accessed October 16, 2024).

12. Attached hereto as **Exhibit 11** is a true and correct copy of search results from Google Flights for flights from Charlotte Douglas International Airport (CLT) to Midland, Texas (MAF) where the fastest flight identified had a posted travel time of 5 hours (last accessed October 16, 2024).

13. Attached hereto as **Exhibit 12** is a true and correct highlighted copy of excerpts from the September 19, 2024 30(b)(6) deposition of VirtaMove, Corp. (“VirtaMove”) by Susan Cameron. Note that Ex. 45 to the July 10, 2024 Declaration of Deepa Acharya (Dkt. 45-38) was

produced in this action with Bates No. GOOG-VIRTA-00000689 (which is identified in the deposition transcript), and Ex. 46 to the July 10, 2024 Declaration of Deepa Acharya (Dkt. 45-39) was produced in this action with Bates No. GOOG-VIRTA-00000707.

14. Attached hereto as **Exhibit 13** is a true and correct highlighted copy of an email sent by David Perlson, counsel for Google LLC, to Peter Tong, counsel for VirtaMove, Corp., on September 16, 2024.

15. Attached hereto as **Exhibit 14** is a true and correct highlighted copy of VirtaMove, Corp.'s Second Supplemental Objections and Responses to Defendant's First Set of Venue Interrogatories (Nos. 1-4) and Responses to Defendant's Second Set of Venue Interrogatories (No. 5), served by VirtaMove on October 2, 2024.

16. Attached hereto as **Exhibit 15** is a true and correct highlighted copy of excerpts from the September 19, 2024 deposition of Don Rochette, taken in the matter *VirtaMove, Corp. v. Amazon.com, Inc. et al*, No. 7:24-cv-00030-ADA-DTG (W.D. Tex.).

17. Attached hereto as **Exhibit 16** is a true and correct highlighted copy of excerpts from the September 19, 2024 deposition of Paul O'Leary, taken in the matter *VirtaMove, Corp. v. Amazon.com, Inc. et al*, No. 7:24-cv-00030-ADA-DTG (W.D. Tex.).

18. Attached hereto as **Exhibit 17** is a true and correct highlighted copy of an email from Peter Tong, counsel for VirtaMove, Corp., to Jeremy Anapol, counsel for Amazon in the matter *VirtaMove, Corp. v. Amazon.com, Inc. et al*, No. 7:24-cv-00030-ADA-DTG (W.D. Tex.).

19. Attached hereto as **Exhibit 18** is a true and correct highlighted copy of "Plaintiff VirtaMove, Corp.'s Opposition to IBM Corp.'s Motion to Transfer" in *VirtaMove, Corp. v. Hewlett Packard Enterprise Company*, No. 2:24-cv-00093-JRG (E.D. Tex), Dkt. No. 82.

20. Attached hereto as **Exhibit 19** is a true and correct copy of the "Second Amended

Scheduling Order” in *VirtaMove, Corp. v. Amazon.com, Inc. et al*, No. 7:24-cv-00030-ADA-DTG (W.D. Tex.), Dkt. No. 69.

21. Attached hereto as **Exhibit 20** is a true and correct copy of the terms proposed for claim construction in this matter.

22. Attached hereto as **Exhibit 21** is a true and correct copy of “Amazon’s Initial Proposed Claim Constructions” in *VirtaMove, Corp. v. Amazon.com, Inc. et al*, No. 7:24-cv-00030-ADA-DTG (W.D. Tex.) (dated Oct. 3, 2024).

23. Attached hereto as **Exhibit 22** is a true and correct copy of the complaint in *Red Hat, Inc. v. VirtaMove, Corp.*, No. 5:24-cv-04740-PCP (N.D. Cal.).

24. Attached hereto as **Exhibit 23** is a true and correct copy of “Defendant IBM’s Motion to Transfer Venue to the Northern District of California Pursuant to 28 U.S.C. §1404(a)” in *VirtaMove, Corp. v. Hewlett Packard Enterprise Company*, No. 2:24-cv-00093-JRG (E.D. Tex.), Dkt. No. 78.

25. Attached hereto as **Exhibit 24** is a true and correct copy of the civil docket for *VirtaMove, Corp. v. Hewlett Packard Enterprise Company*, No. 2:24-cv-00093-JRG (E.D. Tex.), Dkt. No. 87, as this sealed docket is displayed publicly on PACER.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct. Executed on October 17, 2024 in Washington, DC.

/s/ Deepa Acharya
Deepa Acharya